

December 17, 2001

BY HAND

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation in CC Docket No. 98-146

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, Global Crossing Ltd., on behalf of itself and the other companies and organizations listed in the attachment, submits this notice of *ex parte* presentation in the above-captioned proceeding.

On December 13, 2001, the individuals listed in the attachment, representing the companies and organizations indicated, met with Dorothy Attwood, Jeffrey Carlisle, Ellen Blackler, Cathy Carpino, Eric Einhorn, Christopher Libertelli, and Katherine Tofigh of the Common Carrier Bureau, to discuss barriers to deployment associated with access to public rights-of-way and public lands. At the meeting, the industry attendees also provided the Bureau with the attached document, "Recommended Measures to Promote Public Rights-Of-Way Access."

Respectfully submitted,

GLOBAL CROSSING LTD.

By: 

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Attorneys for Global Crossing Ltd.

Enclosures
cc: FCC Attendees

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**Section 706 NOI
CC Docket No. 98-146**

**Meeting With Common Carrier Bureau Regarding
Access to Public Rights-of-Way and Public Lands**

December 13, 2001

Industry Attendees

<u>Company/Organization</u>	<u>Name/Title</u>
Adelphia Business Solutions	T. Scott Thompson, Cole, Raywid & Braverman (outside counsel)
ALTS	Tiki Gaugler, Assistant General Counsel
AT&T	Frank S. Simone, Government Affairs Director
City Signal Communications	Jeffrey Karp, Chuck Rohe, Swidler Berlin (outside counsel)
CompTel	Terry Monroe, VP, Industry & Government Relations
Global Crossing Ltd.	Paul Kouroupas, Sr. Counsel, World Wide Regulatory Martin L. Stern, Preston Gates (outside counsel)
Global Photon	T. Scott Thompson, Cole Raywid (outside counsel)
Metromedia Fiber Network	Traci Bone, Senior Attorney
Qwest	Chris Melcher, Executive Director, Policy and Law
SBC	Jarvis L. Bennett, Executive Director, Federal Regulatory
Sprint	Pete Sywenki, Director, Federal Regulatory Affairs
Velocita	Dorota A. Smith, Sr. Regulatory Manager Kevin Minsky, Swidler Berlin (outside counsel)
Verizon	David L. Mielke, National Municipal Affairs Manager
Williams Communications	Rick Wolfe, Director, Regulatory Affairs
WorldCom	Kevin P. Gallagher, Senior General Counsel

RECOMMENDED MEASURES TO PROMOTE PUBLIC RIGHTS-OF-WAY ACCESS

- Access to public rights-of-way should be extended to all entities providing intrastate, interstate or international telecommunications or telecommunications services or deploying facilities to be used directly or indirectly in the provision of such services (“Providers”).
- Government entities should act on a request for public rights-of-way access within a reasonable and fixed period of time from the date that the request for such access is submitted, or such request should be deemed approved.
- Fees charged for public rights-of-way access should reflect only the actual and direct costs incurred in managing the public rights-of-way and the amount of public rights-of-way actually used by the Provider. In-kind contributions for access to public rights-of-way should not be allowed.
- Consistent with the measures described herein and competitive neutrality, all Providers should be treated uniformly with respect to terms and conditions of access to public rights-of-way, including with respect to the application of cost-based fees.
- Entities that do not have physical facilities in, require access to, or actually use the public rights-of-way, such as resellers and lessees of network elements from facilities-based Providers, should not be subject to public rights-of-way management practices or fees.
- Rights-of-way authorizations containing terms, qualification procedures, or other requirements unrelated to the actual management of the public rights-of-way are inappropriate.
- Industry-based criteria should be used to guide the development of any engineering standards involving the placement of Provider facilities and equipment.
- Waivers of the right to challenge the lawfulness of particular governmental requirements as a condition of receiving public rights-of-way access should be invalid. Providers should have the right to bring existing agreements, franchises, and permits into compliance with the law.
- Providers should have a private right of action to challenge public rights-of-way management practices and fees, even to the extent such practices and fees do not rise to the level of prohibiting the Provider from providing service.
- The Commission should vigorously enforce existing law and use expedited procedures for resolving preemption petitions involving access to public rights-of-way.